

Claude Albert, Legislative Chair, Connecticut Council on Freedom of Information

Testimony in Support of Provisions of HB 5035, An Act Reducing Mandates for Municipalities

Wednesday, February 22, 2012

Sen. Steve Cassano and Rep. Linda Gentile, co-chairs, and members of the Planning and Development Committee:

My name is Claude Albert, and I am the legislative chair of the Connecticut Council on Freedom of Information (CCFOI), an organization committed to furthering government transparency and accountability. We support allowing a public agency employer to redact residential addresses from material released from the personnel files of its own protected employees. We urge the committee to amend the language of Section 1 of HB 5035 to make it clear that the exemption applies specifically to personnel records.

We also strongly urge the committee to adopt this balanced, practical and prompt solution to what is presently an untenable situation. Definitive action is needed immediately. A Connecticut Supreme Court decision last year resolved a conflict in state law by applying the address exemption in the Freedom of Information Act to every public record in all government agencies, including such critical municipal records as land transfers, voter rolls, tax lists, and commercial liens. The address is not an incidental piece of data on many of these records, but information that is integral to their very purpose and critical to their usefulness.

This universal redaction undermines the integrity and usefulness of records that are indispensable tools in political, commercial and legal life. A coalition of groups that has joined to oppose these redactions, including the Connecticut Bar Association, the Connecticut Bankers Association and a variety of municipal groups, is testimony to their potential for disruption.

Some impacts, such as impeding title searches, are obvious. Others are less so. How, for example, could a zoning or inland wetlands board conduct a public hearing on a land-use request by a member of the protected class without revealing the address of the property involved? How would they provide notice to abutting property owners? What kind of delays would the public experience in accessing public documents needed in the course of ordinary business?

Of equal importance to CCFOI is that the public's ability to scrutinize these records is a guarantor of the competence, integrity and fairness of local government. For all these reasons, they have been maintained complete and open to the public since Colonial times.

The present state of the law also places an unworkable burden on municipal clerks, assessors, building officials, zoning officials, registrars and other public officials. We defer to them to best explain the management and cost consequences they face. It is important to note, however, that the Connecticut Town Clerk's Association has found no other state that has adopted similar law.

CCFOI understands that government transparency must be balanced against serious security threats, particularly to those who do dangerous jobs on the public's behalf. We support the redaction of residential addresses from personnel files as part of that balance. Such records would perhaps be more obvious targets for someone intent on doing harm, and the argument that the public has an overriding interest in disclosure is unpersuasive.

But in the case of documents that are fundamental to our commercial and civic life or to government accountability, the argument for transparency is compelling, and the impact of redaction is severe. While it is impossible to guarantee that information from a public record will not be misused by someone intent on doing ill, we also question how effective the redactions at issue here would be in deterring such a committed criminal, especially in this digital age, when a person's address and other information about him or her is often a mouse-click away.

We believe that an amended bill HB 5035 would strike a thoughtful balance.